

OUR PRACTICE

Insurance Regulatory

Baker Donelson's Insurance Regulatory Group is comprised of senior public policy advisors and lawyers experienced in the expanded role of the federal government in insurance regulation, and seasoned attorneys who have spent decades representing the insurance industry in state regulatory and legislative matters. We have experience on all sides of the regulatory equation, and understand the business, legal and regulatory challenges of all types of insurance including:

- Commercial
- Credit
- Cyber and privacy
- Disability
- Health
- Life and annuities
- Reinsurance
- Professional liability
- Property and casualty
- Surplus lines
- Title
- Workers' compensation

Our Services

With a team comprised of leaders in federal insurance-related legislative and public policy issues, former in-house industry lawyers, attorneys familiar with all types of compliance challenges and financial and market conduct examinations, attorneys with experience on the management side of the industry and attorneys with decades of experience as lead counsel in high profile class action and industry-changing litigation, the Baker Donelson Insurance Regulatory Group quite literally understands the insurance industry and its regulatory world, inside and out.

Our clients range from small companies to multi-national financial services holding companies. Because of our leadership experience in large-scale, extraordinary insurance challenges and the depth of our insurance regulatory team, we are especially well-positioned to assist clients facing unusually complex and significant challenges.

Compliance and Self Audits: Our team members have been involved on all sides of market conduct examinations, giving us a broad perspective on how to conduct, prepare for and respond to regularly scheduled examinations and complex, public, highly contested "for cause" examinations. We collaborate with consulting actuaries, independent auditors and certified public accountants to help our clients when needed. We always work to resolve financial and market conduct issues promptly without protracted hearings or litigation, and without creating additional legal or regulatory issues. But if a hearing or litigation is necessary, we have the experience and manpower to aggressively defend and protect our clients.

Consultation and Strategic Planning: Our team members are experienced in evaluating, planning for and responding to every conceivable type of complex regulatory matter on both the state and federal levels. Our broad experience in federal health care legislation and regulation, federal health insurance regulation, and

state insurance regulation enables us to bring added value to both state insurance departments and health insurance companies developing action plans and long term strategies in response to the Affordable Care Act.

Fraud and White Collar Crime: Our team has experience on the investigative, prosecutorial and defense sides of insurance-related criminal matters, giving us a full understanding of the regulator's duty to investigate fraud and recover assets, the government's authority and discretion to prosecute and the defendant's right to an aggressive defense. Team members have both prosecuted and defended against civil penalties and restitution claims, and have been deeply involved in all aspects of complicated, multi-state insolvencies and asset recovery efforts on behalf of receivers/liquidators and other parties. We have also represented multiple clients appearing as witnesses before federal and state grand juries.

Insolvencies and Asset Recoveries: Baker Donelson attorneys have represented insurance departments and companies in complicated, multi-state insolvencies and asset recovery proceedings and litigation, including some of the largest and most highly publicized insurance fraud cases on record.

Licensing: We routinely work with state departments of insurance across the country and are experienced in multi-state insurance-related licensees of all types, such as for producers, agencies, third party administrators, managing general agents, health maintenance organizations, preferred provider organizations and utilization review companies. Our experience with numerous state insurance regulators is especially helpful in handling multi-state licensing engagements on an efficient and cost-effective basis.

Organizational and Transactional Matters: Our attorneys have represented clients in all types of organizational and transactional matters ranging from the formation of insurance companies, to reorganizations, dissolutions and everything in between. We have formed insurers, reinsurers and captive companies, and have obtained the necessary Certificates of Authority to operate these entities. We have experience with a wide variety of reinsurance matters, including assumption and proportional and excess indemnity.

Affordable Care Act (ACA) and Other Federal Regulation: Baker Donelson team members monitor federal and state actions related to ACA on a daily basis and advise a wide range of stakeholders on its challenges. We regularly assist state insurance departments and companies with premium rate review requirements, medical loss ratio issues, essential health benefits and health insurance exchange regulations, and other compliance issues under ACA. We have also advised numerous clients on other areas of federal oversight of the health care and health insurance industries for many years, including the Gramm-Leach-Bliley Act (GLBA), the Health Insurance Portability and Accountability Act (HIPAA), the Fair Credit Reporting Act, Sarbanes-Oxley, the American Recovery and Reinvestment Act (ARRA) and other federal statutes and regulatory schemes applicable to health care and health insurance.

Privacy, Data Security, Confidentiality and Document Production: Our attorneys are familiar with the various privacy laws including insurance cyber security laws, GLBA, HIPAA, HITECH and other federal and state requirements and are well-versed in all types of privacy, data security and document management issues. We have assisted clients in responding to security breaches and have successfully minimized the potential harm to all parties. We can assist clients in developing, testing and monitoring a seamless, privacy-based data security system. We have initiated and responded to numerous public records and Freedom of Information Act requests. We have direct experience in preserving the confidentiality of company records disclosed to regulators in market conduct and financial examinations. The Baker Donelson team also routinely manages electronic discovery and document production requests and subpoenas, including those in connection with state and federal criminal proceedings.

Public Policy Initiatives: We often help our clients with public policy initiatives, legislative lobbying and administrative advocacy at both the state and federal levels. We develop and execute multi-tiered policy campaigns, and draft, monitor, promote and/or work against legislation on a single and multi-state basis and in Washington. We often help shape specific state and federal administrative actions, including the promulgation of rules and regulations, and have testified before state administrative and legislative bodies and before the United States Congress.

Rate Hearings, Administrative Enforcement Actions, Mediations and Litigation: We have participated in numerous administrative hearings and mediations; defended against state regulatory actions.